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Total Number of Pages in This Submission

25

Application Number	09/837,047
Filing Date	April 18, 2001
First Named Inventor	Sanders et al.
Art Unit	2173
Examiner Name	M. Roswell
Attorney Docket Number	343355600028

ENCLOSURES (Check all that apply)

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<input type="checkbox"/> Fee Attached
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Jones Day		
Signature			
Printed name	John V. Biernacki		
Date	August 16, 2006	Reg. No.	40,511

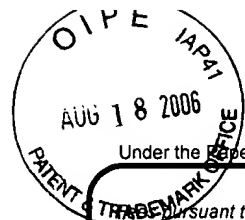
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Signature			
Typed or printed name	Kathie J. Kopczyk	Date	August 16, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL
For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500.00

Complete if Known

Application Number	09/837,047
Filing Date	April 18, 2001
First Named Inventor	Sanders et al.
Examiner Name	M. Roswell
Art Unit	2173
Attorney Docket No.	343355600028

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 501432 Deposit Account Name: Jones Day

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief

500.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 40,511	Telephone (216) 586-3939
Name (Print/Type)	John V. Biernacki		Date August 16, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 343355-600028

Group Art Unit: 2173)
)
Examiner: M. Roswell)
)
Inventor: Sanders et al.)
)
Serial No.: 09/837,047)
)
Filed: April 18, 2001)
)
For: Graphical User Interface Check-)
List Button Control and Method)

APPEAL BRIEF

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 16, 2006.

By Kathie G. Kopyev

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

08/21/2006 BARRAHAI 00000005 501432 09837047
wi rt:1402 500.00 DA

Sir:

This Appeal Brief is submitted in response to the office action which rejected pending claims 1-19 of this application, and a timely-filed notice of appeal was filed. Any fees due should be charged to Jones Day Deposit Account No. 501432, ref: 343355-600028.

I. Real Party in Interest

The real party in interest for this application is SAS Institute Inc., a North Carolina corporation having its principal place of business at SAS Campus Drive, Cary, North Carolina 27513. The inventors of this application have assigned their rights to SAS Institute Inc., as evidenced by documents recorded with the United States Patent Office on April 18, 2001, at Reel 011734, Frame 0813.

II. Related Appeals and Interferences

There are no related appeals or interferences to this application.

III. Status of Claims

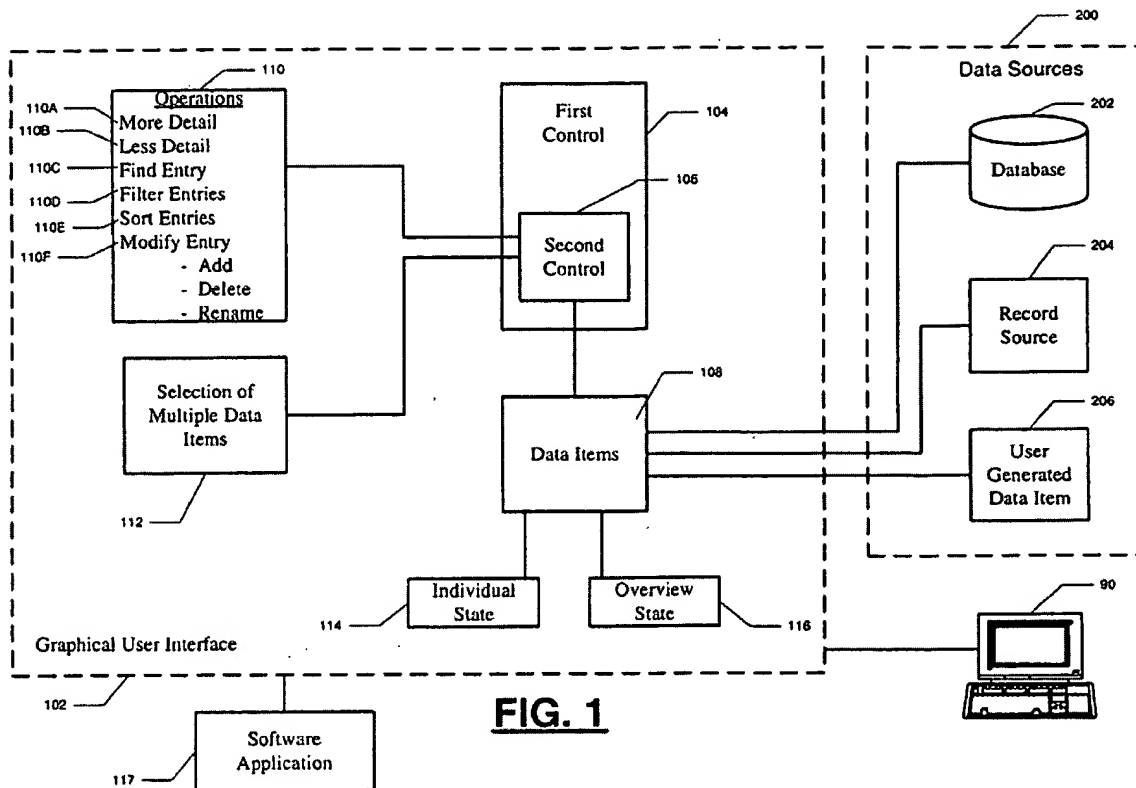
Claims 1-19 are pending and being appealed.

IV. Status of Amendments

No amendments have been filed subsequent to the present office action.

V. Summary of Claimed Subject Matter

Independent claim 1 is directed to a computer-implemented method of modifying data records by a user within a graphical user interface as depicted at 102 in Figure 1 of assignee's specification (which is reproduced below).



In claim 1, a first control (e.g., depicted at 104 in Figure 1) operates within a window of the graphical user interface (e.g., depicted at 102 in Figure 1). The first control is manipulated to access a second control (e.g., depicted at 106 in Figure 1), and the second control includes the data records (e.g., depicted at 108 in Figure 1). The second control is configured to be displayed and to operate within the first control. The second control is contained within the window that contains the first control. The data records are from a database (e.g., depicted at 202 in Figure 1), and at least one of the data records is modified through use of the second control.

Figure 2 of assignee's specification provides a non-limiting example of claim 1 and is shown below.

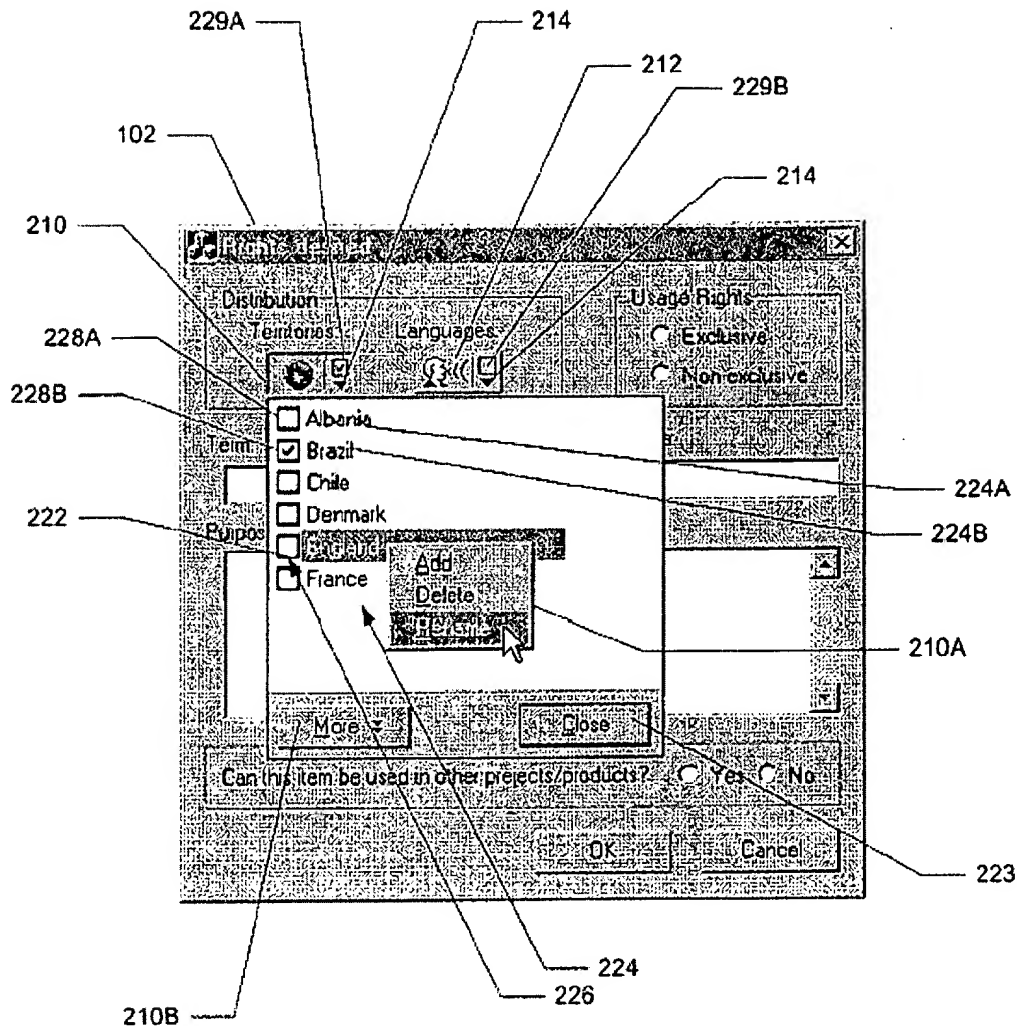


FIG. 2

As shown in Figure 2 and described at page 6, line 11-page 7, line 14 of assignee's specification, a graphical user interface is depicted at 102 containing a first control 210. The first control is a pull-down control that, when activated, displays a number of territory data records, such as an "Albania" data record, a "Brazil" data record, etc. A second control 224 is contained and displayed within the first control. In this example, the second control is a checkbox type of control, and a checkbox is associated

with each of the displayed territory data records. A user can activate (e.g., select) the checkbox that is associated with a data record.

This example shows that the Brazil data record has been selected as denoted by the data record's activated checkbox. Other data records can be selected via the second control in this manner. A software application can then perform any type of operation upon the data records selected through use of the second control. As an example, the user may select multiple data records in order to delete them through a single delete modification operation.

As shown in this example, the user gains the benefits of a pull-down type of control while also gaining the benefits of a second type of control, such as the checkbox control to manipulate the data records. This can be useful such as to better balance the presentability of the information with the amount of information desired to be seen (see assignee's specification on page 1, lines 11-15).

Dependent claim 2 further refines the method of claim 1. In claim 2, the data record modified in claim 1 is stored in a database (e.g., depicted at 202 in Figure 1). The first control (e.g., depicted at 104 in Figure 1) in claim 2 is a pull-down control (e.g., depicted at 210 in Figure 2) that, when activated, occupies a pull-down menu region. When the pull-down menu control (e.g., depicted at 210 in Figure 2) is activated, the second control (e.g., depicted at 228A in Figure 2) is displayed within the pull-down menu region. The second control (e.g., depicted at 228A in Figure 2) includes separate checkbox interface items (e.g., checkboxes depicted at 228A and 228B in Figure 2) that are associated with each of the displayed data records (e.g., "Albania" data item 224A and "Brazil" data item 224B). Multiple checkbox interface items (e.g., checkboxes

depicted at 228A and 228B in Figure 2) can be selected to indicate selection of the interface items' associated data records. Data records selected through their associated checkbox interface items are used as data by a software application (e.g., as discussed on page 5, lines 18-20 of assignee's specification).

Independent claim 12 is directed to a computer-implemented graphical user interface (e.g., as depicted at 102 in Figure 1) for modifying data records (e.g., depicted at 108 in Figure 1) by a user. As described in lines 16-22 of page 3 of assignee's specification, a first control (e.g., as depicted at 104 in Figure 1) is provided within a window of the graphical user interface (e.g., as depicted at 102 in Figure 1). A second control (e.g., as depicted at 106 in Figure 1) is made accessible through the first control (e.g., as depicted at 104 in Figure 1). The second control (e.g., as depicted at 106 in Figure 1) is configured to be displayed and to operate within the first control (e.g., as depicted at 104 in Figure 1). The second control (e.g., as depicted at 106 in Figure 1) includes the data records (e.g., depicted at 108 in Figure 1). The data records (e.g., depicted at 108 in Figure 1) are from a database (e.g., depicted at 202 in Figure 1). The data records (e.g., depicted at 108 in Figure 1) are accessible through the second control (e.g., depicted at 106 in Figure 1) and modifiable after accessing the second control (e.g., depicted at 106 in Figure 1).

Independent claim 17 is directed to an apparatus for generating a computer-implemented graphical user interface (e.g., as depicted at 102 in Figure 1). As described in lines 16-22 of page 3 of assignee's specification, the apparatus includes first computer software instructions to generate a first control (e.g., as depicted at 104 in Figure 1) that is operative within a window of the graphical user interface (e.g., as depicted at 102 in

Figure 1). Second computer software instructions are used to generate a second control (e.g., as depicted at 106 in Figure 1) that is accessible through the first control (e.g., as depicted at 104 in Figure 1) and that is displayed within the first control (e.g., as depicted at 104 in Figure 1). The second control (e.g., as depicted at 106 in Figure 1) is associated with the window that contains the first control (e.g., as depicted at 104 in Figure 1). The second control (e.g., as depicted at 106 in Figure 1) is configured to display to a user a plurality of data records (e.g., as depicted at 108 in Figure 1) retrieved from a database (e.g., as depicted at 202 in Figure 1). The second control (e.g., as depicted at 106 in Figure 1) includes a selection manipulable interface item (e.g., as depicted at 228A in Figure 2) being associated with a displayed data record (e.g., the “Brazil” data record is associated with a checkbox control as depicted at 224B in Figure 2). The interface item (e.g., as depicted at 228A in Figure 2) is configured to allow a user to select the interface item (e.g., as depicted at 228A in Figure 2) so that a data operation can be performed upon the data record associated with the selected interface item (e.g., as depicted at 110 in Figure 1).

VI. Grounds Of Rejection To Be Reviewed On Appeal

Claims 1-19 stand rejected. Of these, independent claims 1, 12, and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by the examiner’s prior art screenshots of Microsoft Outlook 2000 hereinafter “Outlook.” Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Outlook and Arcuri et al. (US Patent No. 6,133,915 hereinafter “Arcuri”). Assignee traverses the rejections.

VII. Argument

The Cited References (e.g., The Outlook Reference) Do Not Teach A Second Control Being Displayed And Operating Within A First Control.

Independent claims 1, 12 and 17 stand rejected under 35 U.S.C. 102(b) as being anticipated by the examiner's prior art screenshots of Microsoft Outlook 2000 hereinafter "Outlook." Assignee respectfully disagrees with the instant rejections.

None of the cited references, either alone or in combination, disclose the second control being displayed and operating within a first control, as recited in independent claims 1, 12 and 17. The Outlook reference relied upon by the examiner discloses selecting and displaying icons that are spread across Outlook's interface in order to enter calendar items, "to do" items, etc. However the asserted second control of the Outlook reference (i.e., as asserted by the examiner) is not displayed and does not operate within a first control as required by the independent claims in combination with their respective other limitations.

The examiner found these arguments unpersuasive and issued a Final Office Action dated June 30, 2005. In the Final Office Action, the examiner stated:

In response to applicant's argument that Outlook fails to teach a second control configured to be displayed and to operate within a first control (as recited in claims 1, 12, and 17), the Examiner respectfully disagrees. Outlook has been shown *supra* to teach a first control that, upon selection, gives the user access to a second control used in the manipulation of data records. As this second control is accessed through the first control, it inherently operates within the first control. Furthermore, the language of claim 1 states, "wherein the second control is configured to be displayed". The use of this language fails to recite the argued limitation of a second control displayed within a first control. Therefore, claims 1, 12, and 17 are rejected over the Outlook reference for the reasons stated above.

As shown by this passage from the Final Office Action, the examiner maintains that: the language of claim 1 states “wherein the second control is configured to be displayed” and that the use of this language fails to recite the argued limitation of a second control being displayed within a first control. Assignee respectfully disagrees. The independent claims specifically recite that the second control is displayed within a first control:

- Claim 1 recites this aspect: “wherein the second control is configured to be *displayed* and to operate *within the first control*.” (emphasis added)
- Claim 12 recites this aspect: “wherein the second control is configured to be *displayed* and to operate *within the first control*.” (emphasis added)
- Claim 17 recites this aspect: “second computer software instructions to generate a second control that is accessible through the first control and that is *displayed within the first control*.” (emphasis added)

It is noted that the prepositional phrase “within the first control” unambiguously modifies both the “to be displayed” and “to operate” infinitives in claims 1 and 12. Claims 1 and 12 recite the phrase “configured to” which recent court decisions have established as a proper claiming technique to limit entities recited in a claim. (See, e.g., *Toshiba Corp. v. Juniper Networks, Inc.*, D. Del., Civ. No. 03-1035-SLR (6/28/06); and *Collaboration Properties Inc. v. Tandberg ASA*, N.D. Cal., No. C 05-01940 MHP (6/23/06)).

With respect to claim 17, **claim 17 recites the verb “displayed” followed directly by the prepositional phrase “within the first control” and it is noted that claim 17 does not use the phrase “configured to”.**

In these claims, the second control operating and being displayed within the first control plainly means that a person can operate (i.e., manipulate) the second control that is displayed within the first control. As an example, Figure 2 of assignee's patent application shows a second control 224 operating and being displayed within a first control 210.

As shown by the above, all of the independent claims recite that the second control is displayed within a first control. However, the Outlook reference does not disclose a second control being displayed within the first control, as recited in claims 1, 12 and 17. The Outlook reference relied upon by the examiner discloses selecting and displaying icons that are spread across Outlook's interface in order to enter calendar items, "to do" items, etc. However the asserted second control of the Outlook reference (i.e., as asserted by the examiner) is not displayed within a first control as required by the independent claims in combination with their respective other limitations.

The Outlook reference clearly does not show a second control being displayed (let alone operating) within a first control as required by the independent claims in combination with their other respective limitations. Instead, the asserted second control of the Outlook reference "is presented to the user in the large right panel of Fig. 1" as mentioned in the Final Office Action on page 2. The large right panel region which contains the asserted second control is not being displayed within the asserted first control of Outlook and thus is not being displayed within a first control as required by the independent claims.

The asserted controls of the Outlook reference are strewn across the Outlook interface. This is in stark contrast to the independent claim's approach which in

combination with their other limitations recite that the second control is displayed and operates within the first control. This approach of the independent claims allows valuable interface “real estate” to be conserved. This is useful, for example, to interface developers who typically must address limited display space requirements because of the size of computer screens (e.g., PDAs and laptops). With the approach of the independent claims, interface area is significantly better utilized.

Assignee disagrees with other positions of the examiner. For example, as asserted on page 9 of the Final Office Action, the examiner maintains that because the second control is accessed through the first control, it inherently operates within the first control. Assignee respectfully disagrees with this position. It does not logically follow that because a second control is accessible through a first control that it inherently operates within the first control. As an example of this, the prior art itself could access a second control through a first control, but the second control would appear elsewhere on the user’s screen, such as in a separate window, or as shown in the Outlook reference (e.g., figures 1 and 2 of Outlook), another control would appear in a separate region on the Outlook interface.

This other control in the prior art does not operate within the first control. In other words, a user can access the other control via the first control in the prior art, but the user is not able to operate (i.e., manipulate) the accessed second control within the first control. Just because a user can access a second control via a first control, it is not inherent that the second control operates within the first control since for example the second control could appear in a separate and independent window as in the prior art.

Assignee disagrees with other positions in the office action. For example, claim 2 is rejected as being unpatentable over Outlook and Arcuri. Assignee respectfully disagrees. Claim 2 recites in combination with its other limitations that the second control includes separate checkbox interface items that are associated with each of the displayed data records. Claim 2 was amended to recite that the data records selected through their associated checkbox interface items are used as data by a software application. Accordingly, claim 2 is directed to data records for manipulation (e.g., for modification as recited in the preamble of claim 1) by a software application.

In contrast, the Arcuri reference does not disclose controls containing data records which are selected for use as data by a software application, but rather discloses software menu item operations appearing in menus (see the “New” menu item operation 244, the “Open” menu item operation 246, etc. on FIG. 2b of the Arcuri reference). Such menu item operations are not used as data by a software application. Rather, software menu item operations are the agent of change to be effected upon data records, and the data records are the recipient of the change caused by software operations. This is illustrated in that the menu items in Arcuri cannot themselves be modified. They can only be selected or deselected. The functionality of the menu items has already been pre-determined. It cannot be altered. Because of the significantly different natures of menu item operations and data records that are selected to be used as data by a software application, claim 2 is allowable over Outlook and Arcuri. Accordingly, claim 2 should proceed to issuance.

For the above reasons, assignee respectfully submits that the pending claims are allowable, and requests the withdrawal of the rejections.

VIII. Claims Appendix

An appendix is attached hereto setting forth a copy of the pending claims involved in the appeal.

IX. Evidence Appendix

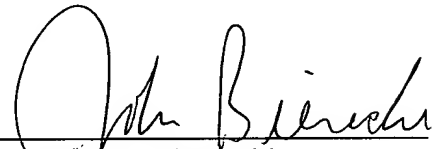
No evidence has been entered and relied upon.

X. Related Proceedings Appendix

There are no related proceedings related to this application.

Respectfully submitted,

By: _____



John V. Biernacki
Reg. No. 40,511
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-3939

CLAIMS APPENDIX

1. **(PREVIOUSLY PRESENTED)** A computer-implemented method of modifying data records by a user within a graphical user interface, comprising the steps of:

providing a first control that operates within a window of the graphical user interface;

manipulating the first control to access a second control, wherein the second control includes the data records;

wherein the second control is configured to be displayed and to operate within the first control;

wherein the second control is contained within the window that contains the first control;

wherein the data records are from a database; and

modifying at least one of the data records through use of the second control.

2. **(PREVIOUSLY PRESENTED)** The method as defined in claim 1 further comprising the step of storing the modified data record in a database;

wherein the first control is a pull-down menu control that when activated occupies a pull-down menu region;

wherein when the pull-down menu control is activated, the second control is displayed within the pull-down menu region;

wherein the second control includes separate checkbox interface items that are associated with each of the displayed data records;

wherein multiple checkbox interface items can be selected to indicate selection of the interface items' associated data records;

wherein data records selected through their associated checkbox interface items are used as data by a software application.

3. **(PREVIOUSLY PRESENTED)** The method as defined in claim 1, wherein a pop-up window provides a menu of operations, wherein the operations are configured to perform actions on a selected data record appearing within the second control.

4. **(PREVIOUSLY PRESENTED)** The method as defined in claim 2 wherein the second control is configured to display data records from a data source consisting of two or more data sources selected from the group consisting of a database, a record source, and a dynamic record generator.

5. **(PREVIOUSLY PRESENTED)** The method as defined in claim 1 further comprising the step of adding a new data record to the database through use of the second control.

6. **(PREVIOUSLY PRESENTED)** The method as defined in claim 1 further comprising the step of deleting a data record from the database through use of the second control.

7. **(PREVIOUSLY PRESENTED)** The method as defined in claim 1 further comprising the step of renaming a data record through use of the second control.

8. **(PREVIOUSLY PRESENTED)** The method as defined in claim 1 further comprising the step of indicating a selection status of a selected data record.

9. **(PREVIOUSLY PRESENTED)** The method as defined in claim 8 wherein the selection status is presented proximate to the selected data record.

10. **(PREVIOUSLY PRESENTED)** The method as defined in claim 1 further comprising the step of selecting multiple data records and modifying as a group the selected multiple data records.

11. **(PREVIOUSLY PRESENTED)** The method as defined in claim 10 further comprising the step of indicating the selection status of each selected data record.

12. **(PREVIOUSLY PRESENTED)** A computer-implemented graphical user interface for modifying data records by a user, comprising:

- A. a first control operative within a window of the graphical user interface;
- B.1. a second control accessible through the first control;
- C. wherein the second control is configured to be displayed and to operate within the first control;
- B.2. wherein the second control includes the data records;
- E. wherein the data records are from a database;
- ?? and F. wherein the data records are accessible through the second control and modifiable after accessing the second control.

13. **(PREVIOUSLY PRESENTED)** The graphical user interface as defined in claim 12 further comprising an overview selection status box that indicates to a user whether any of the data records are selected when the second control is hidden from the user.

14. **(PREVIOUSLY PRESENTED)** The graphical user interface as defined in claim 12 further comprising a tri-state overview selection status box that indicates to a user whether any of the data records are selected when the second control is hidden from the user.

15. **(PREVIOUSLY PRESENTED)** The graphical user interface as defined in claim 12 further comprising an individual selection status box associated with each of data records and operative to indicate the selection status of the associated data records.

16. **(PREVIOUSLY PRESENTED)** The graphical user interface as defined in claim 12 wherein the data records are retrieved from a data source, said data source being selected from a group consisting of a database, a record source, a dynamic data record generator, and combinations thereof.

17. **(PREVIOUSLY PRESENTED)** An apparatus for generating computer-implemented graphical user interface, comprising:

A. first computer software instructions to generate a first control that is operative within a window of a graphical user interface;

B.1 AND C second computer software instructions to generate a second control that is accessible through the first control and that is displayed within the first control;

D. wherein the second control is associated with the window that contains the first control;

B.2 wherein the second control is configured to display to a user a plurality of data records retrieved from a database;

wherein the second control includes a selection manipulable interface item being associated with a displayed data record;

wherein the interface item is configured to allow a user to select the interface item so that a data operation can be performed upon the data record associated with the selected interface item.

18. **(PREVIOUSLY PRESENTED)** The apparatus of claim 17, wherein the selection manipulable interface item is a checkbox interface item;

wherein separate checkbox interface items are associated with each of the displayed data records.

19. **(PREVIOUSLY PRESENTED)** The apparatus of claim 17, wherein the database includes a collection of data that is organized such that the database's data may be accessed through structured query language (SQL) data base query commands.

Evidence Appendix

No evidence has been entered and relied upon.

Related Proceedings Appendix

There are no related proceedings related to this application.